



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 2012-02
5 November 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 October 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you entered on active duty in the Navy from 1 September 1978. You underwent psychiatric evaluation on 5 October 1979. You disclosed that you had begun using drugs at age 10 or 11, and alcohol at age 16 or 17. You reported that you had used PCP and LSD extensively during the past year, as well as unspecified hallucinogenic drugs, with increasingly frequent "bad trips". The diagnostic impression was "Personality disorder, schizoid and paranoid"; "Rule out schizophrenia, paranoid type"; and "Rule out organic syndrome, drug intoxication, chronic." As you were not considered amenable to drug rehabilitation treatment, and in view of your unsatisfactory performance of duty, you were recommended for administrative discharge. You were discharged by reason of unsuitability/personality disorder on 19 October 1979. Following your discharge, the Department of Veterans Affairs (VA) denied you request for service connection for a mental disorder on several occasions; however, on 18 May 2000, you were granted service connection for an "acquired psychiatric disorder...with an evaluation of 70 percent" based on the determination of a VA physician that the symptoms you experienced in the Navy were "likely evidence" of your "first psychotic break".

The Board noted that in order to qualify for disability retirement from the Armed Forces, a service member must be unfit to perform the duties of his office, grade, rank or rating by reason of physical disability incurred in or aggravated by his military service. Although you may have experienced symptoms of a psychotic disorder during your brief period of service, the available records do not demonstrate that the underlying disorder was incurred while you were entitled to basic pay, or that you were unfit for duty because of that disorder at the time of your discharge by reason of unsuitability. In addition, it noted that your enlistment was fraudulent, in that you concealed your lengthy history of drug abuse, which would have precluded your enlistment had it been disclosed, and that your mental disorder cannot be disassociated from your continued drug abuse.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director